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09/845,166	05/01/2001	Morteza Kalhour	123319.100	2635

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ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-3873

EXAMINER

USTARIS, JOSEPH G

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/845,166

Applicant(s)

KALHOUR, MORTEZA

Examiner

Joseph G. Ustaris

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-18 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/5/2006</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendment dated 23 November 2005 in application 09/845,166. Claims 1 and 3-18 are pending. Claims 1, 5, 12, 15, and 16 are amended.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 05 January 2006 was filed after the mailing date of the Non-Final Office Action on 25 August 2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Objections***

3. Claim 3 is objected to because of the following informalities: Claim 3 is dependent on a cancelled claim. The examiner assumes that claim 3 is dependent off claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6-8, and 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackketter et al. (US 20020056129A1) in view of Kaiser et al. (US006615408B1).

Regarding claim 1, Blackketter et al. (Blackketter) discloses an interactive television system that provides a "push mechanism in a digital communications system" (See Fig. 1; paragraphs 0001-0002 and 0066). The system creates an icon or "graphical object" (See paragraph 0055) based on a trigger that has "timing information" (See paragraphs 0009-0011), where the "timing information" represents a "time stamp" that is inherently placed in an elementary stream of a digital television system (See paragraph 0066). The receiving unit or set-top terminal (STT) has a monitoring software or "first software application", where the monitoring software causes the activation of the trigger to place the icon on the screen or "associated with said graphical object" (See paragraph 0032 and 0042). The monitoring software will respond when the time/frame of the system or STT matches the time/frames specified in the trigger or "a predetermined event" (See paragraph 0032 and 0042). The monitoring software also activates other software or "second software application" that will retrieve and display the content from the Internet (See paragraph 0044 and 0046) in response "predetermined event". Furthermore, the time/frame of the system or STT and the time/frame specified in the trigger that are both used in the "predetermined event" are also considered the "subtitling information" or "predetermined event comprising subtitling information". However, Blackketter does not disclose positioning information associated with the graphical object.

Kaiser et al. (Kaiser) discloses interactive television system (See Fig. 6). Kaiser discloses triggers that make use of positioning information in order to display a trigger zone on certain areas of the display screen (See column 6 lines 34-64). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the triggers disclosed by Blackketter to include positioning information that would cause the icon to be display in a certain areas of the display, as taught by Kaiser, in order to provide more options to the providers thereby increasing the chances that user will notice the icon.

Regarding claim 6, the icon has associated therewith a reference to a content, preferably a Universal Resource Link (See Blackketter Figs. 5-6; paragraph 0002).

Regarding claim 7, the reference to the content is inherently cached in order to execute the trigger and retrieve the content at a future time (See Blackketter paragraphs 0044-0046). Furthermore, the triggers and references are received from stream in a digital television system (See paragraph 0066), where the stream is considered a multi protocol encapsulation stream due to its ability to carry digital video packets, digital audio packets, and as well as trigger data packets containing web addresses.

Regarding claim 8, the STT or WebTV terminal uses a "web browser" that allows the system to retrieve and display web pages to the user (See Blackketter paragraphs 0031 and 0044).

Regarding claim 11, the timing information is considered a "Normal Presentation Time information", wherein the timing information represents the standard wall clock time (See Blackketter paragraphs 0035 and 0038).

Regarding claim 12, Blackketter et al. (Blackketter) discloses an interactive television system that provides a "push mechanism in a digital communications system" (See Fig. 1; paragraphs 0001-0002 and 0066). The system creates an icon or "graphical object" (See paragraph 0055) based on a trigger that has "timing information" (See paragraphs 0009-0011), where the "timing information" represents a "time stamp" that is inherently placed in an elementary stream of a digital television system (See paragraph 0066). Furthermore, the "time stamp" is also considered the "subtitling information" or "digital information comprising subtitling information". The receiving unit or set-top terminal (STT) has a monitoring software or "first software application", where the monitoring software causes the activation of the trigger to place the icon on the screen or "associated with said graphical object" (See paragraph 0032 and 0042). The monitoring software will respond when the time/frame of the system or STT matches the time/frames specified in the trigger or "a predetermined event" (See paragraph 0032 and 0042). The monitoring software also activates other software or "second software application" that will retrieve and display the content from the Internet (See paragraph 0044 and 0046) in response "predetermined event". Furthermore, the WebTV or STT inherently receives the icon or "graphical object" from a memory source. However, Blackketter does not disclose positioning information associated with the graphical object and that the graphical object is associated with a plurality of content streams wherein the second software application is associated with a content stream selected from the plurality of content streams based on one or more user preferences.

Kaiser et al. (Kaiser) discloses interactive television system (See Fig. 6). Kaiser discloses triggers that make use of positioning information in order to display a trigger zone on certain areas of the display screen (See column 6 lines 34-64). Furthermore, Kaiser discloses that the triggers have more than one selectable actions associated with the trigger, e.g. promotion participation action, information request action, and product purchase action or "graphical object is associated with a plurality of content streams". The user selects one of the actions and the browser will load the appropriate action or "second software application is associated with a content stream selected from the plurality of content streams based on one or more user preferences" (See Figs. 6c and 6d; column 5 line 55 – column 6 line 8, column 8 lines 44-64, and column 10 line 51 – column 13 line 15). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the triggers disclosed by Blacketter to include positioning information that would cause the icon to be display in a certain areas of the display and to have the triggers are associated with a plurality of content streams wherein the second software application is associated with a content stream selected from the plurality of content streams based on one or more user preferences, as taught by Kaiser, in order to provide more options to the providers thereby increasing the chances that user will notice the icon and increase interactivity.

Regarding claim 13, the terminal is a "set-top box" (See Blacketter Fig. 1; paragraph 0031).

Claim 14 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Furthermore, inherently there is "baseband

processor and at least one receiver” that provides the video and triggers to the terminal via a “communications path” (See Blackketter Fig. 1).

Claim 15 contains the limitations of claim 12 (where inherently the terminal executes software code from a computer program loaded into internal memory of the terminal or “digital computer”) and is analyzed as previously discussed with respect to those claims.

Regarding claim 16, Blackketter et al. (Blackketter) discloses an interactive television system that provides a “push mechanism in a digital communications system” (See Fig. 1; paragraphs 0001-0002 and 0066). The system creates an icon or “graphical object” (See paragraph 0055) based on a trigger that has “timing information” (See paragraphs 0009-0011), where the “timing information” represents a “time stamp” that is inherently placed in an elementary stream of a digital television system (See paragraph 0066). Furthermore, the “time stamp” is also considered the “subtitling information” or “digital information comprising subtitling information”. The receiving unit or set-top terminal (STT) has a monitoring software or “first software application”, where the monitoring software causes the activation of the trigger to place the icon on the screen or “associated with said graphical object” (See paragraph 0032 and 0042). The monitoring software will respond when the time/frame of the system or STT matches the time/frames specified in the trigger or “a predetermined event” (See paragraph 0032 and 0042). The monitoring software also activates other software or “second software application” that will retrieve and display the content from the Internet (See paragraph 0044 and 0046) in response “predetermined event”. Furthermore, inherently the



terminal executes program code from a computer program loaded into internal memory or "readable storage medium". However, Blackketter does not disclose positioning information associated with the graphical object.

Kaiser et al. (Kaiser) discloses interactive television system (See Fig. 6). Kaiser discloses triggers that make use of positioning information in order to display a trigger zone on certain areas of the display screen (See column 6 lines 34-64). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the triggers disclosed by Blackketter to include positioning information that would cause the icon to be display in a certain areas of the display, as taught by Kaiser, in order to provide more options to the providers thereby increasing the chances that user will notice the icon.

Claim 17 contains the limitations of claims 12 and 16 and is analyzed as previously discussed with respect to those claims.

Claim 18 contains the limitations of claims 12 and 17 and is analyzed as previously discussed with respect to those claims.

Claims 4, 5, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackketter et al. (US 20020056129A1) in view of Kaiser et al. (US006615408B1) as applied to claims 1, 6-8, and 11-18 above, and further in view of Macrae et al. (WO 98/17064).

Regarding claim 4, Blackketter in view of Kaiser does not explicitly disclose using Hypertext Markup Language (HTML) format.

Macrae et al. (Macrae) discloses an interactive television system (See Figs. 1 and 2). Macrae discloses that the Internet content can come from the cable interface (See Macrae page 4 lines 29-35 and page 5 lines 34-38). Furthermore, the Internet content is transmitted in HTML format (See Macrae page 7 lines 12-22). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Blackketter in view of Kaiser to use the HTML format, as taught by Macrae, in order to provide information that adheres to a well known and established language thereby increasing the compatibility of the system.

Regarding claim 5, the digital system disclosed by Blackketter in view of Kaiser and in further view of Macrae transmits digital information by means of "multi protocol encapsulation", wherein the cable interface delivers digital video, digital audio, and Internet content or digital data (See Macrae Figs. 3 and 4).

Regarding claim 9, Blackketter in view of Kaiser and in further view of Macrae also discloses an application that retrieves software update information, preferably from a Service Provider (See Macrae page 7 lines 1-12).

Regarding claim 10, Blackketter in view of Kaiser and in further view of Macrae also discloses an application that is adapted to start an e-mail program or "chat program" (See Macrae page 12 lines 5-30).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blackketter et al. (US 20020056129A1) in view of Kaiser et al. (US006615408B1) as

applied to claims 1, 6-8, and 11-18 above, and further in view of Djupsjobacka et al. (US 20030022643A1).

Regarding claim 3, Blacketter in view of Kaiser does not disclose that the subtitling information follows the Digital Video Broadcasting standard.

Djupsjobacka et al. (Djupsjobacka) discloses a system from transmitting digital video, audio, and data signals. Djupsjobacka discloses that the communication system, that provides various services to the users, has been defined by the Digital Video Broadcasting (DVB) organization. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system including the triggers and subtitling information disclosed by Blacketter in view of Kaiser to follow the DVB standards, as taught by Djupsjobacka, in order provide a system that adheres to a well known and established standard thereby making the system more compatible with other systems.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1 and 3-18 have been considered but are moot in view of the new ground(s) of rejection.

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner suggests that applicant consider providing more details in the independent claims about the "subtitling information" and the "user preferences" as supported by the applicant's specification.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JGU  
January 24, 2006



VIVEK SRIVASTAVA  
PRIMARY EXAMINER